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Written statement* submitted by the Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

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ADHRB Assesses Saudi Arabia's Implementation of its UPR Commitments

Americans for Democracy & Human Rights in Bahrain (ADHRB) welcomes this opportunity at the 39th Session of the United Nations (UN) Human Rights Council (HRC), and ahead of Saudi Arabia's 3rd Cycle Universal Periodic Review (UPR) in November 2018, to raise serious concerns about the Government of Saudi Arabia's systematic human rights violations and disregard of its previous UPR commitments accepted during earlier UPR sessions.

During the kingdom's 2nd UPR cycle in October 2013, the Saudi government received 225 recommendations covering numerous thematic issues. The government accepted 187 recommendations. However, five years after committing itself to reforming its human rights practices and laws, ADHRB assesses that the kingdom has completely fulfilled, in spirit and in practice, only a small fraction of the recommendations it accepted.

Overview on Restrictions

The kingdom maintains numerous restrictions on women's rights, civil society, civic space, freedom of expression and opinion, and freedom of religion, while officials target human rights defenders, and courts continue to hand down death sentences to members of the Shia religious minority for spurious terror crimes.

Civil Society

During the 2nd cycle UPR in October 2013, states made 11 recommendations to improve the kingdom's civic space. The government accepted five recommendations, promising to improve the space for civil society. However, it has fully implemented only one of the recommendations, indicating a lack of will to bringing its laws and practices in line with international human rights standards. Rather than open up space for civil society and human rights and political organizations, authorities have arrested many human rights defenders (HRDs) and systematically shuttered existing organizations. Among those HRDs who have been arrested are Mohammed al-Bajadi, Omar al-Said, Abdulaziz al-Shubaily, and Issa al-Hamid, who are members of the Saudi Civil and Political Rights Association (ACPRA), as well as Waleed Abu al-Khair, Naimah al-Matrod, and Samar Badawi.

Free Expression

The kingdom also received several recommendations concerning ending restrictions on the right to freedom of expression and opinion, but the government continues to criminalize specific forms of speech, in particular criticism of the royal family, ruling structure, or the state ideology. To this end, authorities maintain a tight grip on major broadcasting agencies, radio and television networks, and newspaper publications, censoring content deemed unacceptable and arresting violators of this policy. Newspapers in particular must be licensed by the king and the editor-in-chief appointed by the government. Likewise, journalists, bloggers, or writers who do not abide by the restrictions on publishable content are subject to prosecution by authorities. Writers and journalists including Alaa Brinji, Waidi al-Ghazzawi, Zuhair Kutbi, and Saleh al-Shehi have been prosecuted for criticizing state-inflicted violence during demonstrations, condemning corruption and the royal family, supporting human rights activists, and calling for an end to religious discrimination.

Women's Rights

During the kingdom's 2nd Cycle UPR, it accepted eight recommendations regarding women's rights, concerning repealing or abolishing the male guardianship system and promoting and protecting women's rights. While the kingdom recently lifted the ban on women driving, it has yet to take meaningful steps to address or repeal structural limitations facing women and girls, in particular stemming from the male guardianship system.

Recently, the government has permitted women to study at universities, allowed them to access health care, and allowed them to work without needing their male guardian's permission. However, women remain unable to travel internationally, marry, or get out of jail without their guardian's permission. But the guardianship system persists in a more pernicious manner, as it is a daily burden on women, constricting how they live their lives. Thus while specific restrictions have been relaxed, the government has refused to address the more fundamental nature of gender inequality and male power over women.

Furthermore, security forces continue to target and detain women rights activists for their advocacy work promoting and protecting women's rights, demonstrating that recent changes have not translated into protections for outspoken women who are critical of the government. As a result, ADHRB assesses that the kingdom has not taken sufficient steps to meet the UPR recommendations or bring its practices in line with international norms concerning women's rights.

Human Rights Defenders

During Saudi Arabia's 2nd Cycle UPR, the government accepted seven recommendations on the rights to freedom of opinion and expression and freedom of association and peaceful assembly, including several calling for the protection of individuals who choose to exercise these rights. However, the climate in which HRDs work in Saudi Arabia remains sharply constricted, with the government maintaining numerous laws inhibiting their work and empowering security forces to arrest them. Among the legislation used to arrest HRDs are the Anti-Cyber Crime Law, which targets activists over social media content, the 2014 and 2017 Counter-terror Laws, and the Law on Associations.

In 2015, the Saudi government promulgated the Law on Associations, which governs the formation of associations and organizations. But rather than allow for the formation of independent societies and associations, the law empowers officials to prohibit the establishment of an independent civil society, with authorities using the law to shut down civil society organizations and jail HRDs. Authorities also use the 2017 Penal Law for Crimes of Terrorism and Its Financing to detain peaceful protestors under the guise of fighting terrorism. Prior to the promulgation of the 2017 Counter-terror Law, the government used the 2014 Counter-terror Law to systematically detain and imprison HRDs and activists.

As a result of these laws, officials have systematically arrested HRDs. Among those who have been arrested since the 2nd Cycle UPR are Mohammed al-Bajadi, Omar al-Said, Abdulaziz al-Shubaily, Issa al-Hamid, Naimah al-Matrod, Samar Badawi, Loujain al-Hathloul, Mohammed al-Otaibi, and Abdullah al-Attawi, among many others.

Execution

Despite numerous recommendations to the kingdom that it abolish the death penalty and halt executions, the kingdom continues to sentence people to death and levy capital punishment convictions against drug smugglers and peaceful protesters. As a result, Saudi Arabia ranks among the top five countries for the frequent use of the death penalty.

Since 2014, the kingdom has executed nearly 600 people. In 2017, it executed 143 people. In 2016, it executed 154 people. In 2015, it executed 157 people. The majority of those executed are convicted of murder or non-violent drug crimes, like smuggling. However, the kingdom has also executed a number of peaceful protesters. Among them were Sheikh Nimr al-Nimr, a social justice activist and Shia cleric, who was executed on 2 January 2016 in a mass execution of 47 people. He was executed alongside four men arrested for crimes committed as minors. Then, on 11 July 2017, authorities executed four Shia protesters, Yusuf al-Mshaikhass, Amjad al-Muaybad, Zuhair al-Basri, and Mahdi al-Sayegh.

Equally concerning is the number of peaceful protesters currently on death row. ADHRB is aware of at least 32 men on death row for peaceful assembly, most of them Shia. Seven of them were minors at the time of their arrest, and were tortured into confessing to committing terror acts before being sentenced to death. Among those on death row are Ali al-Nimr, Dawood al-Marhoon, Abdullah al-Zaher, and Munir al-Adam.

Torture

Despite fully accepting two recommendations made during its 2nd UPR cycle calling on courts to ensure defendants are guaranteed due process in trials and officials to abstain from the use of torture in accordance with the kingdom's Convention Against Torture obligations, torture remains rampant in Saudi prisons. Moreover, the kingdom's criminal justice system in the country allows false confessions obtained through torture to act as valid evidence in court, disregarding the defendant's claims that they were obtained under conditions of torture. For example, many Shia men on death row, including Ali al-Nimr, Dawood al-Marhoon, and Abdullah al-Zaher are currently in prison awaiting a death sentence after trials in which they were tortured until they confessed to spurious charges. Torture by the Saudi authorities has also caused some prisoners to suffer from long-term or lifetime injuries such as weakened eyesight, heart problems, chronic pain, and deafness through ruthless methods such as beating and electric shock.

Concluding Recommendations

We find that Saudi Arabia has failed to implement the majority of its recommendations dating from the 2nd Cycle UPR. Instead, the government has increasingly targeted HRDs, further restricted civic space, and continued to apply the death penalty. Now, with Saudi Arabia's 3rd UPR cycle approaching we call on States to follow up on recommendations that have gone unaddressed and unimplemented. We call on the Government of Saudi Arabia to implement its accepted recommendations, and to work with the international community to ensure the protection and promotion of human rights.